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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,732	08/17/2001	Hubert Haller	2368.119	3602

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EXAMINER

KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,732

Applicant(s)

HALLER, HUBERT

Examiner

Michael J Kyle

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 10-12 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10, 11, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over West (U.S. Patent No. 4,452,390) in view of GB 2039599 (GB '599). West discloses a portable security container comprising a stationary housing (11) adapted to be secured in closets, on wall or in vehicles, in boats, in air planes and in bank safes, a case (14) adapted for being received in the housing (11) wherein the case can be inserted and barricaded or locked, and that the case is provided with its own independent security locking system (25, 28). West also discloses that the independent locking system is a lock with a key (25) and that the housing (11) includes a concealment covering (12). West does not disclose the housing to include locking boreholes for locking and for receiving locking bolts associated with the case.

3. However, GB '599 teaches a housing (11) that includes locking boreholes (23) for locking and for receiving locking bolts (17) associated with the case (12) in order to securely lock the case in the closed position (Page 1 of specification, lines 26-30) in a housing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the locking boreholes (23) of the housing of GB '599 and the locking bolts (17) of the case (12) of GB '599 in the housing (11) and case (14) of West to more securely lock

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the case in the housing by supporting the case in the housing with two locking projections, one from each side of the case.

4. With respect to claims 16 and 17, Brush, Jr. et al. (U.S. Patent No. 4,688,493) is cited as an evidentiary reference. Brush, Jr. et al. shows that a fire resistant safe that has steel outer body.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of GB '599 as applied to claim 10 above, and further in view of Johnson et al. (U.S. Patent No. 2,819,692). Neither West nor GB '599 discloses that the locking boreholes are provided with reinforcements. However, Johnson et al. discloses locking boreholes that are provided with reinforcements (45, 46) for the purpose of guiding the locking bars (43, 44, Col. 3, lines 14-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the reinforcements (45, 46) of Johnson et al. in the housing (11) of West to reinforce the locking boreholes.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over West in view GB '599 as applied to claim 15 above, and further in view of Cantley (U.S. Patent No. 3,970,010). Neither West nor GB '599 discloses a stationary housing to comprise multiple housings connectable with each other.

7. Cantley teaches a stationary housing (walls surrounding compartment 19) to comprise multiple housings (walls surrounding each compartment 19) connectable with each other, in order to securely store multiple cases in a single unit. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify West and GB '599 as taught by Cantley in order to securely store multiple cases in a single unit.

Allowable Subject Matter

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8. Claims 13 and 14 are allowed.

Response to Arguments

9. Applicant's arguments filed September 29, 2003, have been fully considered but they are not persuasive. Applicant argues that in GB '599, the locking pins 17 are part of the independent lock system and not associated with the case. Applicant also states the locking pin of GB '599 is equal to the security locking system 28 of the present invention and that GB '599 fails to teach the locking boreholes for locking and for receiving locking bolts associated with the case in addition to the independent locking system. Examiner disagrees with applicant's statements.

10. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). West is cited as the primary reference, and discloses all of the limitations of the independent claims, including an independent locking system (28) and a system to lock the case to the housing (16, 17). West's invention differs from applicant's in that the system to lock the case in housing does not comprise locking boreholes in the housing receiving locking bolts associated with the case. GB '599 shows a case (12) that can be secured to a housing (11). GB '599 clearly shows locking boreholes (23) in the housing which receive locking bolts (17) from the case (11). The locking pins (17) of GB '599 are not equal to applicant's security locking system 28, but rather, they are equal to applicant's locking bolts 24 being received in the locking boreholes 23.

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11. Applicant also argues that combining West and GB '599 will destroy the invention of West. Applicant bases this argument on West's disclosure that his lock 28 must not protrude because the case (14) is to be closely fitted with the housing (11). Applicant states that adding the boreholes of GB '599 will not allow the case (14) to be closely fit in the housing (11). Applicant also states that in West, the case is attached to the jacket only by close fit. Examiner disagrees with these arguments.

12. Firstly, examiner disagrees with applicant's statement that the case of West is attached to the jacket only by a close fit. West discloses that the case is attached to the jacket by locking members (16) and (17) on the housing rotating into slot (18) in the casing. Secondly, West does disclose that his lock (28) must not protrude. West is referring to lock (28), which the examiner considers to be equal to applicant's independent security locking system. Examiner asserts that combination of GB '599 with West would result in the case (14) of West having two locking pins (of GB '599) that are movable into and out of the casing. When the locking pins are extended out of the casing, they will project through boreholes in the housing (11). Because the locking pins are retractable within the casing, it is clear that the addition of the feature will not prevent a close fit of the casing in the housing. The locking pins will be extended when they are aligned with boreholes of the housing, thus locking the case in the housing, while the case is still tightly fitted in the housing.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

mk


Anthony Knight
Supervisory Patent Examiner
Technology Center 3600